



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB3475

Introduced 2/28/2007, by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Requires that the Department of Human Services cover the following families under the child care assistance program: (1) families in which a parent is a member of the United States Armed Forces and on active duty or is a member of the Armed Forces Reserve or the Illinois National Guard and has been placed on active duty status; and (2) families in which a parent was injured or killed while a member of the United States Armed Forces on active duty or while a member of the Armed Forces Reserve or the Illinois National Guard and on active duty status.

LRB095 07592 DRJ 27742 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child Care.

8 (a) The General Assembly recognizes that families with  
9 children need child care in order to work. Child care is  
10 expensive and families with low incomes, including those who  
11 are transitioning from welfare to work, often struggle to pay  
12 the costs of day care. The General Assembly understands the  
13 importance of helping low income working families become and  
14 remain self-sufficient. The General Assembly also believes  
15 that it is the responsibility of families to share in the costs  
16 of child care. It is also the preference of the General  
17 Assembly that all working poor families should be treated  
18 equally, regardless of their welfare status.

19 (b) To the extent resources permit, the Illinois Department  
20 shall provide child care services to parents or other relatives  
21 as defined by rule who are working or participating in  
22 employment or Department approved education or training  
23 programs. At a minimum, the Illinois Department shall cover the

1 following categories of families:

2 (1) recipients of TANF under Article IV participating  
3 in work and training activities as specified in the  
4 personal plan for employment and self-sufficiency;

5 (2) families transitioning from TANF to work;

6 (3) families at risk of becoming recipients of TANF;

7 (4) families with special needs as defined by rule; ~~and~~

8 (5) working families with very low incomes as defined  
9 by rule; and -

10 (6) families in which (A) a parent is a member of the  
11 United States Armed Forces and on active duty or is a  
12 member of the Armed Forces Reserve or the Illinois National  
13 Guard and has been placed on active duty status or (B) a  
14 parent was injured or killed while a member of the United  
15 States Armed Forces on active duty or while a member of the  
16 Armed Forces Reserve or the Illinois National Guard and on  
17 active duty status.

18 The Department shall specify by rule the conditions of  
19 eligibility, the application process, and the types, amounts,  
20 and duration of services. Eligibility for child care benefits  
21 and the amount of child care provided may vary based on family  
22 size, income, and other factors as specified by rule.

23 In determining income eligibility for child care benefits,  
24 the Department annually, at the beginning of each fiscal year,  
25 shall establish, by rule, one income threshold for each family  
26 size, in relation to percentage of State median income for a

1 family of that size, that makes families with incomes below the  
2 specified threshold eligible for assistance and families with  
3 incomes above the specified threshold ineligible for  
4 assistance. The specified threshold must be no less than 50% of  
5 the then-current State median income for each family size.

6 In determining eligibility for assistance, the Department  
7 shall not give preference to any category of recipients or give  
8 preference to individuals based on their receipt of benefits  
9 under this Code.

10 The Department shall allocate \$7,500,000 annually for a  
11 test program for families who are income-eligible for child  
12 care assistance, who are not recipients of TANF under Article  
13 IV, and who need child care assistance to participate in  
14 education and training activities. The Department shall  
15 specify by rule the conditions of eligibility for this test  
16 program.

17 Nothing in this Section shall be construed as conferring  
18 entitlement status to eligible families.

19 The Illinois Department is authorized to lower income  
20 eligibility ceilings, raise parent co-payments, create waiting  
21 lists, or take such other actions during a fiscal year as are  
22 necessary to ensure that child care benefits paid under this  
23 Article do not exceed the amounts appropriated for those child  
24 care benefits. These changes may be accomplished by emergency  
25 rule under Section 5-45 of the Illinois Administrative  
26 Procedure Act, except that the limitation on the number of

1 emergency rules that may be adopted in a 24-month period shall  
2 not apply.

3 The Illinois Department may contract with other State  
4 agencies or child care organizations for the administration of  
5 child care services.

6 (c) Payment shall be made for child care that otherwise  
7 meets the requirements of this Section and applicable standards  
8 of State and local law and regulation, including any  
9 requirements the Illinois Department promulgates by rule in  
10 addition to the licensure requirements promulgated by the  
11 Department of Children and Family Services and Fire Prevention  
12 and Safety requirements promulgated by the Office of the State  
13 Fire Marshal and is provided in any of the following:

14 (1) a child care center which is licensed or exempt  
15 from licensure pursuant to Section 2.09 of the Child Care  
16 Act of 1969;

17 (2) a licensed child care home or home exempt from  
18 licensing;

19 (3) a licensed group child care home;

20 (4) other types of child care, including child care  
21 provided by relatives or persons living in the same home as  
22 the child, as determined by the Illinois Department by  
23 rule.

24 (b-5) Solely for the purposes of coverage under the  
25 Illinois Public Labor Relations Act, child and day care home  
26 providers, including licensed and license exempt,

1 participating in the Department's child care assistance  
2 program shall be considered to be public employees and the  
3 State of Illinois shall be considered to be their employer as  
4 of the effective date of this amendatory Act of the 94th  
5 General Assembly, but not before. The State shall engage in  
6 collective bargaining with an exclusive representative of  
7 child and day care home providers participating in the child  
8 care assistance program concerning their terms and conditions  
9 of employment that are within the State's control. Nothing in  
10 this subsection shall be understood to limit the right of  
11 families receiving services defined in this Section to select  
12 child and day care home providers or supervise them within the  
13 limits of this Section. The State shall not be considered to be  
14 the employer of child and day care home providers for any  
15 purposes not specifically provided in this amendatory Act of  
16 the 94th General Assembly, including but not limited to,  
17 purposes of vicarious liability in tort and purposes of  
18 statutory retirement or health insurance benefits. Child and  
19 day care home providers shall not be covered by the State  
20 Employees Group Insurance Act of 1971.

21 In according child and day care home providers and their  
22 selected representative rights under the Illinois Public Labor  
23 Relations Act, the State intends that the State action  
24 exemption to application of federal and State antitrust laws be  
25 fully available to the extent that their activities are  
26 authorized by this amendatory Act of the 94th General Assembly.

1 (d) The Illinois Department shall, by rule, require  
2 co-payments for child care services by any parent, including  
3 parents whose only income is from assistance under this Code.  
4 The co-payment shall be assessed based on a sliding scale based  
5 on family income, family size, and the number of children in  
6 care. Co-payments shall not be increased due solely to a change  
7 in the methodology for counting family income.

8 (e) The Illinois Department shall conduct a market rate  
9 survey based on the cost of care and other relevant factors  
10 which shall be completed by July 1, 1998.

11 (f) The Illinois Department shall, by rule, set rates to be  
12 paid for the various types of child care. Child care may be  
13 provided through one of the following methods:

14 (1) arranging the child care through eligible  
15 providers by use of purchase of service contracts or  
16 vouchers;

17 (2) arranging with other agencies and community  
18 volunteer groups for non-reimbursed child care;

19 (3) (blank); or

20 (4) adopting such other arrangements as the Department  
21 determines appropriate.

22 (f-5) The Illinois Department, in consultation with its  
23 Child Care and Development Advisory Council, shall develop a  
24 comprehensive plan to revise the State's rates for the various  
25 types of child care. The plan shall be completed no later than  
26 January 1, 2005 and shall include:

1           (1) Base reimbursement rates that are adequate to  
2 provide children receiving child care services from  
3 the Department equal access to quality child care,  
4 utilizing data from the most current market rate  
5 survey.

6           (2) A tiered reimbursement rate system that  
7 financially rewards providers of child care services  
8 that meet defined benchmarks of higher-quality care.

9           (3) Consideration of revisions to existing county  
10 groupings and age classifications, utilizing data from  
11 the most current market rate survey.

12           (4) Consideration of special rates for certain  
13 types of care such as caring for a child with a  
14 disability.

15           (g) Families eligible for assistance under this Section  
16 shall be given the following options:

17           (1) receiving a child care certificate issued by the  
18 Department or a subcontractor of the Department that may be  
19 used by the parents as payment for child care and  
20 development services only; or

21           (2) if space is available, enrolling the child with a  
22 child care provider that has a purchase of service contract  
23 with the Department or a subcontractor of the Department  
24 for the provision of child care and development services.  
25 The Department may identify particular priority  
26 populations for whom they may request special

1           consideration by a provider with purchase of service  
2           contracts, provided that the providers shall be permitted  
3           to maintain a balance of clients in terms of household  
4           incomes and families and children with special needs, as  
5           defined by rule.

6           (Source: P.A. 93-361, eff. 9-1-03; 93-1062, eff. 12-23-04;  
7           94-320, eff. 1-1-06.)